from those carrying liquids with flash points up to 80° Fahrenheit to those carrying liquids with flash points below 200° F. (*Qualifications of Employees and Safety of Operation*, 98 M.C.C. 741, 742-43, 748 (1965)), thus bringing numerous additional vehicles within the purview of this regulation for the first time. And that proceeding is evidence of what the motor carriers may expect in the future as a result of the Commission's conclusion here on its safety jurisdiction over railroad operations at grade crossings.

Since the Government not only does not deny, but inferentially agrees that the Commission's conclusion on its jurisdiction over railroad grade-crossing safety is reviewable (pp. 9-10), it is much more reasonable and logical that the review should be given here in a direct appeal from the decision in which that conclusion was reached, rather than in a future collateral attack as the Government suggests.

For the reasons stated, Appellants respectfully request the Court to deny the motions to affirm and give plenary consideration with briefs and oral argument.

Respectfully submitted,

PETER T. BEARDSLEY
HARRY J. JORDAN
WILLIAM R. RUBBERT
PAUL D. BORGHESANI
1616 P Street, N. W.
Washington, D. C. 20036

HARRY C. AMES, JR.
Transportation Building
Suite 529
Washington, D. C. 20006

RICHARD R. SIGMON
618 Perpetual Building
Washington, D. C. 20004

Attorneys for Appellants

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